

The following message from His Excellency the Governor was read :

EXECUTIVE OFFICE,
STATE OF TEXAS, AUSTIN, March 12, 1873.)
Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas :

SIR : I have the honor to return to your House, where it originated, the act entitled "An act to legalize and make valid the recent election in Wilson county." and ask that the same be reconsidered.

I ask the attention of the House to the provision of the Constitution contained in Article III, Section VI, "All elections for State, district and county officers shall be held at the county seats of the several counties."

It was made known to the satisfaction of the board of returning officers that the election proposed to be validated by this act, was not held at the county seat of Wilson county, but at another place outside of the limits of the county seat.

If that election was legal, the courts, and only the courts, have the power and are the proper authority so to declare ; but if it was not legal, it is obvious that no subsequent act of the Legislature can make it so.

This act, then, proposes to compel the Secretary of

State and Governor to revise the action which, as they understood the Constitution, they felt bound to take regarding that election.

I will state that in order, as far as possible, to carry out the wishes of the people as expressed in the attempted election in Wilson county, the officers returned as having received the highest number of votes were appointed and commissioned by me to their respective positions before the repeal of the act of June 28, 1870, commonly called the "enabling act."

Perhaps the Legislature might, by such an act as this, ordain that the term of office of those so appointed shall continue for the full period allowed by the Constitution and laws to such officers.

Very respectfully,

(Signed)

EDMUND J. DAVIS, Governor.